

AVTRONIX TECHNOLOGIES, INC.,

AGBCA No. 98-154-2

Appellant

Representing the Appellant:

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Representing the Government:

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DECISION OF THE BOARD OF CONTRACT APPEALS

October 20, 1998

OPINION BY ADMINISTRATIVE JUDGE HOWARD A. POLLACK

This appeal arises under Contract No. 43-82X9-7-0351 between the Forest Service (FS), Rocky Mountain Region, U. S. Department of Agriculture and Avtronix Technologies, Inc. ((Appellant) of Orem, Utah. The contract covered aviation-related services to the FS. Appellant's initial claim was for \$12,056.85, however, due to some payment by the FS, the amount in dispute was reduced to \$10,620.

As a result of its performance, Appellant claimed labor costs for a number of items of work. A number related to labor for troubleshooting various problems, others related to a lack of diagrams, and, finally some of the costs related to repairs and modifications for which Appellant claimed it was entitled to be paid. The Contracting Officer (CO) disagreed with aspects of Appellant's claim and on January 22, 1998, issued a final decision wherein the FS paid \$1,436.85 out of the total claimed by Appellant. The FS payment was composed of portions of the

various items claimed by Appellant, less a Government expense charge of \$1,032 for the CO's Representative (COR) salary/travel after contract expiration.

By letter of February 26, 1998, Avtronix appealed the final decision and elected the Expedited Procedure which is governed by Board Rules 12.1(a) and 12.2. The matter was docketed on March 11, 1998 and the parties were notified that resolution was required by July 2, 1998.

Since Appellant had elected the Expedited Procedure, the Board then attempted to arrange a telephone conference, but was unable to secure a telephone number for Appellant. By letter dated April 7, 1998, Appellant was notified of the date for a telephone conference. Appellant was also reminded of its responsibility to provide the Board with a telephone number. In the letter the Board also advised Appellant that Government counsel (in the Board's attempt to secure a telephone number for Appellant) had expressed to the Board's legal technician that Counsel for the FS would be willing to discuss the issues and possible settlement, if counsel could get in contact with Appellant. The Board indicated that Appellant should contact Government counsel prior to the conference date.

The parties did thereafter make contact. As a result, a settlement was reached. The Settlement Agreement, dated April 30, 1998, was then forwarded to the Board.

DECISION

The appeal is dismissed with prejudice pursuant to the Settlement Agreement.

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D. C.
October 20, 1998